

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-28
)	
KIM & SHIROMA ENGINEERS, INC.,)	
Calvin Kim and Conrad Shiroma,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around July, 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Kim & Shiroma Engineers, Inc., Calvin D.S. Kim and Conrad T. Shiroma ("Kim"). Business Registration Division records list as officers of Kim, Calvin Kim; President, Joyce Kim; Secretary/Treasurer and Conrad T. Shiroma; Vice President. Kim is registered as doing business as civil engineering consultants, whose business address is 1314 South King Street, Suite 325, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Kim and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around July 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 campaign committee ("Harris") and the Friends of Ben campaign committee ("Cayetano"), initiated an investigation involving excess or false name contributions in violation of sections 11-202, and 11-204(a)(1)(B) and (C), HRS.
 - 2. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.

3. Section 11-204(a)(1)(B), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign or any other entity shall make contributions to:....A candidate seeking nomination or election to a four-year statewide office or the candidate's committee in an aggregate amount greater than \$6,000 during an election period.
4. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
5. Section 11-204(h), HRS reads in part as follows: an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
6. The election period for Ben Cayetano and the Friends of Ben campaign committee for Governor include the period from January 1, 1995 to November 6, 1998.
7. On or about May 22, 1997, Calvin Kim made a contribution to Cayetano in the amount of \$2,000.
8. On or about May 22, 1997, Joyce Kim made a contribution to Cayetano in the amount of \$2,000.

9. On or about October 30, 1998, Calvin Kim made a contribution to Cayetano in the amount of \$2,000.
10. On or about October 30, 1998, Joyce Kim made a contribution to Cayetano in the amount of \$2,000.
11. That aggregate contribution to Cayetano totaled \$8,000 for the election period, excess contributions of \$2,000.
12. Kim acknowledges that excess contributions of \$2,000 had been made to the Cayetano campaign committee in violation of section 11-204(a)(1)(B), HRS.
13. The election period for Jeremy Harris and the Harris 2000 campaign committee for the office of Mayor of the City and County of Honolulu include the period from November 5, 1996 to November 6, 2000.
14. On or about September 20, 1997, Calvin Kim made a contribution through Winifred Lash to Harris in the amount of \$4,000.
15. On or about September 23, 1997, Calvin Kim made a contribution through his daughter-in law, Carol A. Kim, to Harris in the amount of \$3,500.
16. On or about November 20, 1997, Calvin Kim made a contribution through his brother Bruce Kim, to Harris in the amount of \$200.
17. On or about November 8, 1999, Calvin Kim made a contribution through his brother Bruce Kim, to Harris in the amount of \$2,000.

18. On or about November 8, 1999, Calvin Kim made a contribution through Sharaine Kim, wife of Bruce Kim, to Harris in the amount of \$2,000.
19. On or about November 6, 1999, Calvin Kim made a contribution through Merl Shiroma, brother of Conrad Shiroma, to Harris in the amount of \$4,000.
20. On or about September 14, 2000, Calvin Kim made a contribution through his brother Bruce Kim, to Harris in the amount of \$1,750.
21. Kim acknowledges that aggregate contributions to the Harris 2000 campaign committee totaled \$17,450 for the election period and that all contributions were made in the name of another in violation of section 11-202, HRS.
22. That Kim failed to file an organizational report pursuant to section 11-194, HRS.
23. That Kim failed to file disclosure reports pursuant to sections 11-212 and 11-213, HRS.
24. That Kim failed to file state contractor reports pursuant to section 11-205.5, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-28, Kim understands and agrees to the following:

- (A) Kim agrees to an assessment of **Six Thousand Five Hundred Dollars (\$6,500)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204(a)(1)(B), HRS, making an excess campaign contribution to the Cayetano campaign committee for the 1995 - 1998 election period;
 - (2) For violation of section 11-202, HRS, making campaign contributions in the name of another person to the Harris 2000 campaign committee; and
 - (3) For violation of sections 11-194, 11-205.5, 11-212 and 11-213, HRS, failure to file an organizational report and required disclosure reports.
- (B) Kim agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Kim on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Calvin D.S. Kim

By: _____

Date: _____

(Name)

(Title)

